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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,632	10/29/1999	SHIGEO MATSUZAWA	040301/0575	6154

7590 11/30/2004  
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EXAMINER

HO, CHUONG T

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/429,632

Applicant(s)

MATSUZAWA ET AL.

Examiner

Chuong Ho

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2664

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 11/02/04. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-22.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

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1. The new limitations "wherein the selecting step selects one router according to a number of already set up cut-through paths that are used to route packets to a same destination node such that numbers of cut-through paths at said plurality of routers are uniformly distributed among said plurality of routers " (claim 1, page 2, lines 14-17)

request new search, new consideration.

2. The new limitations "wherein the changing step changes the route of said one cut-through path according to a number of already set up cut-through paths that are used to route packets to a same destination node such that numbers of cut-through paths at a plurality of routers are uniformly distributed among said plurality of routers which can possibly be a next hop router " (claim 10, page 4, lines 20- 24) request new

search, new consideration.

3. The new limitations "wherein the processing unit selects one router according to a number of already set up cut-through paths that are used to route packets to a same destination node such that numbers of cut-through paths at said plurality of routers are uniformly distributed among said plurality of routers " (claim 14, page 6, lines 3-6)

request new search, new consideration.

4. The new limitations "wherein the control unit changes the route of said one cut-through path according to a number of already set up cut-through paths that are used to route packets to a same destination node such that numbers of cut-through paths at said plurality of routers are uniformly distributed among said plurality of routers which can possibly be a next hop router" (claim 17, page 6, lines 20-24) request new search,

new consideration.

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5. The new limitations "wherein the first computer readable program code causes said computer to select said one router according to a number of already set up cut-through paths that are used to route packets to a same destination node such that numbers of cut-through paths at said plurality of routers are uniformly distributed among said plurality of routers " (claim 19, page 7, lines 27-29, page 8, lines 1-2) request new search, new consideration.

6. The new limitations "wherein the second computer readable program code causes said computer to change the route of said one cut-through path according to a number of already set up cut-through paths that are used to route packets to a same destination node such that numbers of cut-through paths at said plurality of routers are uniformly distributed among said plurality of routers which can possibly be a next hop router" (claim 20, page 8, lines 15-20) request new search, new consideration.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong ho whose telephone number is (571)272-3133. The examiner can normally be reached on Monday-Friday from 8:00AM-4:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/15/04

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.